



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 12 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Monte L. Londot
General Manager
Clean Harbors Recycling Services of Ohio L.L.C.
581 Milliken Drive, Southeast
Hebron, Ohio 43025

Re: Finding of Violation
Clean Harbors Recycling Services of Ohio L.L.C.
Hebron, Ohio

Dear Mr. Londot:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Clean Harbors Recycling Services of Ohio L.L.C. (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). Based on available information, we find that you are violating requirements regarding (1) pressure drop for your regenerative fume oxidizer in your Title V permit and (2) tanks and equipment leaks in the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations, at your Hebron, Ohio, facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Charles Hall. You may contact him by telephone at (312) 353 3443 or by e-mail at hall.charles@epa.gov to request a conference. You should make

the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", written in a cursive style.

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Ohio Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)		FINDING OF VIOLATION
)		
Clean Harbors Recycling Services of Ohio L.L.C.)		EPA-5-17-OH-01
Hebron, Ohio)		
)		
Proceedings Pursuant to the Clean Air Act,)		
<u>42 U.S.C. §§ 7401 et seq.</u>)		

FINDING OF VIOLATION

Based on available information, the U.S. Environmental Protection Agency finds that Clean Harbors Recycling Services of Ohio L.L.C. (Clean Harbors) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412, and Section 502 of the Clean Air Act, 42 U.S.C. § 7661a. Specifically, Clean Harbors is violating the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations at 40 C.F.R. Part 63, Subpart DD, and the National Emission Standards for Hazardous Air Pollutants for Tanks – Level 1, 40 C.F.R. Part 63, Subpart OO, and your Title V permit, as follows:

Statutory and Regulatory Authority

1. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations (hereinafter, the OSWRO MACT) at 40 C.F.R. Part 63, Subpart DD, 40 C.F.R. §§ 63.680 through 63.698.
2. The OSWRO MACT applies to the owner and operator of a plant site that is a major source of hazardous air pollutant (HAP) emissions as defined in 40 C.F.R. § 63.2, and when the plant site is the location of a waste management operation that receives “off-site material” and the operation is regulated as a hazardous waste treatment, storage, and disposal facility (TSDF) under either 40 C.F.R. part 264 or part 265. 40 C.F.R. § 63.680(a).
3. Except under limited circumstances that do not apply here, an “off-site material” under the OSWRO MACT is: (1) a waste, used oil, or used solvent, as those terms are defined in 40 C.F.R. § 63.681; (2) that is not produced or generated within the plant site and is delivered, transferred, or otherwise moved to the plant site from an outside location; and (3) contains one or more of the HAP listed in Table 1 of the OSWRO MACT. 40 C.F.R. § 63.680(b)(1).
4. An “affected source” under the OSWRO MACT is the entire group of off-site material management units associated with the operation. An off-site material management unit is a tank, container, surface impoundment, oil-water separator, organic-water separator, or transfer system used to manage off-site material. 40 C.F.R. § 63.680(c).

5. For each off-site material management unit that is part of an affected source and except in limited circumstances that do not apply here, the owner or operator must control air emissions from the off-site material management unit in accordance with the applicable standards specified in 40 C.F.R. §§ 63.685 through 63.689. 40 C.F.R. § 63.683(b).
6. The provisions of 40 C.F.R. § 63.685 apply to the control of air emissions from any tank that is an off-site material management unit.
7. The OSWRO MACT, at 40 C.F.R. § 63.685(b)(1), provides in pertinent part:

For a tank that is part of an existing affected source but the tank is not used to manage off-site material having a maximum HAP vapor pressure kilopascal (kPa) that is equal to or greater than 76.6 kPa [11.1 psia] nor is the tank used for a waste stabilization process as defined in § 63.681 of this subpart, the owner or operator shall determine whether the tank is required to use either Tank Level 1 controls or Tank Level 2 controls as specified for the tank by Table 3 of this subpart based on the off-site material maximum HAP vapor pressure and the tank's design capacity. The owner or operator shall control air emissions from a tank required by Table 3 to use Tank Level 1 controls in accordance with the requirements of paragraph (c) of this section.

8. Table 3 of the OSWRO MACT requires the owner or operator of a tank with a design capacity of less than 75 cubic meters (m^3 ; approximately 19,800 gallons) and storing a liquid with a maximum HAP vapor pressure less than 76.6 kPa to use Tank Level 1 controls.
9. Table 3 of the OSWRO MACT also requires the owner or operator of a tank with a design capacity equal to or greater than 75 m^3 and less than 151 m^3 (approximately 39,864 gallons) and storing a liquid with a maximum HAP vapor pressure less than 27.6 kPa to use Tank Level 1 controls.
10. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Tanks-Level 1 (hereinafter, the Tanks Level 1 MACT) at 40 C.F.R. Part 63, Subpart OO, §§ 63.900 through 63.908.
11. Whenever a regulated-material is in a tank, the Tanks Level 1 MACT, at 40 C.F.R. § 63.902(c), requires each fixed roof tank's closure device to be in the closed position except during specific events such as accessing the tank to conduct routine maintenance and repairs and removing accumulated sludge or other residues from the bottom of the tank.
12. The OSWRO MACT, at 40 C.F.R. § 63.683(d), requires an owner or operator to control equipment leaks from each equipment component that is part of an affected source as defined in 40 C.F.R. § 63.680(c)(3) by implementing leak detection and control measures in accordance with 40 C.F.R. § 63.691.

13. The OSWRO MACT, at 40 C.F.R. § 63.691(b), requires an owner or operator to control the HAP emitted from equipment leaks in accordance with (1) 40 C.F.R. § 61.242 through § 61.247 – National Emission Standards for Equipment Leaks; or (2) 40 C.F.R. § 63.162 through § 63.182 – National Emission Standards for Organic Hazardous Air Pollutants from Equipment Leaks (collectively, referred to as “LDAR requirements”).
14. The LDAR requirements provide that, except during pressure releases, each pressure relief device in gas/vapor service shall be operated with no detectable emissions, as indicated by an instrument reading of less than 500 parts per million (ppm) above background, as measured by the method specified in 40 C.F.R. § 61.245(c) or § 63.180(c). 40 C.F.R. §§ 61.242-4(a) and 63.165(a).
15. The LDAR requirements also provide that after each pressure release, the pressure relief device shall be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in 40 C.F.R. § 61.242-10 or § 63.171. 40 C.F.R. §§ 61.242-4(b)(1) and 63.165(b)(1).
16. Table 2 of the OSWRO MACT incorporates, among other general provisions found at 40 C.F.R. Part 63, Subpart A, the requirements at 40 C.F.R. § 63.6(e). 40 C.F.R. § 63.6(e)(1)(i) provides that the owner or operator must operate and maintain an affected source in a manner consistent with safety and good air pollution control practices for minimizing emissions at all times.
17. Section 112(i)(3) of the Clean Air Act, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a MACT from operating a source in violation of the MACT requirements. *See also* 40 C.F.R. § 63.4.
18. Pursuant to Section 502(d), 42 U.S.C. § 7661a(d) on August 15, 1995, EPA approved Ohio’s Title V operating permit program.
19. On December 26, 2002, the Ohio Environmental Protection Agency (Ohio EPA) issued a Title V operating permit to Safety-Kleen Corp. - Hebron Recycle Center.
20. Section B.5 of the Title V permit states, “[a]ny transferee of this permit shall assume the responsibilities of the prior permit holder. The appropriate Ohio [Environmental Protection Agency] District Office or local air agency must be notified in writing of any transfer of this permit.”
21. Part II.A.28.a of the Title V permit states, “[t]he pressure drop across the scrubber shall be continuously maintained at a range of 1 to 4 inches of water at all times while the emissions unit is in operation.”
22. Section 502(a) of the Clean Air Act, 42 U.S.C. § 7661a(a), makes it unlawful for any person to violate any requirement of a permit issued under Title V of the Act.

Factual Background

23. Clean Harbors is and, since March 2008, has been the owner and operator of a hazardous waste treatment, storage, and disposal facility (TSDF) located at 581 Milliken Drive, Southeast, Hebron, Ohio (the Facility).
24. On October 24, 1996, Safety-Kleen Systems, Inc. (Safety Kleen), the previous owner and operator of the Facility, submitted an Initial Notification to EPA for the Facility regarding the OSWRO MACT.
25. On June 17, 2005, the Ohio EPA issued an Ohio Hazardous Waste Facility Installation and Operation Permit for the Facility to Safety Kleen.
26. On November 18, 2015, the Ohio EPA issued an Ohio Hazardous Waste Facility Installation and Operation Permit Renewal (RCRA Permit) for the Facility to Clean Harbors.
27. Clean Harbors owns and operates 94 above-ground storage tanks in which Clean Harbors stores off-site materials. The RCRA Permit authorizes Clean Harbors to store hazardous waste in, among others, the following fixed roof tanks: Ohio EPA Source Numbers 0145020235 T096 (SK#203), T133 (SK#033), T137 (SK#037), T139 (SK#039), T144 (SK#044), T145 (SK#045), T150 (SK#050), T153 (SK#053), T156 (SK#056), T160 (SK#060), T164 (SK#064), T165 (SK#065), T166 (SK#066), T167 (SK#067), T168 (SK#068), T169 (SK#069), T180 (SK#080), T181 (SK#081), T182 (SK#082), T186 (SK#086), T187 (SK#087), T206 (SK#106), and T212 (SK#112).
28. Each tank listed in paragraph 27 above includes a 24-inch diameter steel manhole cover on the top of the tank. Each manhole and cover is designed to use 24 bolts and nuts to secure each manhole cover.
29. On July 14, 2016, EPA conducted an inspection of the Clean Harbors facility.
30. EPA observed that nearly half of the bolts were missing from the manhole on each tank listed in paragraph 27 above, and thus, the manholes were not secured in the closed position.
31. On July 14, 2016, EPA used a photoionization detector to measure the concentration of volatile organic compounds in the gas discharging from the following storage tanks:

Ohio EPA Source Number	Clean Harbors Tank Number	Material	Detection Area	Maximum Concentration, ppm
T096	SK#203	Waste Fuel, High Chlorinated	Top Manhole	298
T133	SK#033	Propanol Crude	Top Manhole	11
T137	SK#037	Cond water from Dehydration Resin Beds	Top Manhole	962

Ohio EPA Source Number	Clean Harbors Tank Number	Material	Detection Area	Maximum Concentration, ppm
T139	SK#039	Water	Top Manhole	816
T144	SK#044	Waste Water	Top Manhole	49
T145	SK#045	Water/Cumene	Top Manhole	1,118
T150	SK#050	Toluene	Top Manhole	599
T153	SK#053	Isopropyl Alcohol	Top Manhole	609
T156	SK#056	Thinner	Top Manhole	1,500
T160	SK#060	Isopropyl Alcohol	Top Manhole	33
T164	SK#064	Water	Top Manhole	13
T165	SK#065	Methyl Ethyl Ketone	Top Manhole	300
T166	SK#066	Thinner	Top Manhole	550
T167	SK#067	Waste Fuel	Top Manhole	>2,000
T168	SK#068	Ethanol	Top Manhole	519
T169	SK#069	Ethanol	Top Manhole	530
T180	SK#080	Waste Water	Top Manhole	890
T181	SK#081	Waste Water	Top Manhole	661
T182	SK#082	Waste Water	Top Manhole	>2,000
T186	SK#086	Methylene Chloride	Guide Wire Nozzle	29
T187	SK#087	Lean Water	Guide Wire Nozzle	178
T206	SK#106	Thinner, High Chlorinated Clean	Top Manhole	723
T212	SK#112	Waste Fuel, High Chlorinated Clean	Top Manhole	202

32. In an August 19, 2016 email to EPA, Clean Harbors representatives confirmed that the tanks listed in paragraph 27 are subject to the OSWRO MACT.
33. The RCRA Permit authorizes Clean Harbors to store hazardous waste in Ohio EPA Source Number 0145020235 T109 (SK#089B).
34. Tank T109 (SK#089B) is equipped with a pressure-relief device in gas/vapor service as those terms are defined at 40 C.F.R. § 63.161.
35. During the July 2016 inspection, EPA used a photoionization detector to measure the concentration of volatile organic compounds in the gas discharging from the pressure-relief device in gas/vapor service for T109/SK#089B. The concentration of volatile organic compounds was 1,600 ppm.
36. Clean Harbors uses a regenerative fume oxidizer (RFO) to control emissions of volatile organic HAPs from waste management operations including six tanks, a distillation column, and thin-film evaporators.

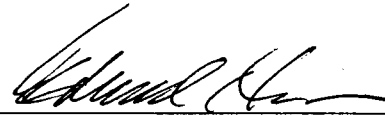
37. Clean Harbors uses a wet scrubber to control emissions of acid gases (e.g. hydrogen chloride) from the RFO.
38. On April 13, 2016, EPA conducted an inspection of the Clean Harbors facility.
39. During the inspection, the Plant Engineer stated that since replacing the wet scrubber's ceramic packing in 2014, Clean Harbors has measured a pressure drop across the scrubber near zero inches of water column when the RFO is in operation.

Alleged Violations

40. Clean Harbors violated 40 C.F.R. §§ 63.685(b)(1) and 63.902(c) by failing to secure the manhole on each tank listed in paragraph 27 in the closed position.
41. Clean Harbors violated 40 C.F.R. § 63.6(e)(1)(i) by failing to operate and maintain the manholes on the tanks listed in paragraph 27 above in a manner consistent with safety and good air pollution control practices for minimizing emissions.
42. Clean Harbors violated 40 C.F.R. § 63.691(b) and the LDAR requirements (40 C.F.R. §§ 61.242-4(a) or 63.165(a)) by operating the pressure relief device in gas/vapor service on T109 (SK#089B) with emissions greater than 500 ppm.
43. Clean Harbors violated Part II.A.28.a of the Title V permit by operating the RFO while the pressure drop across the wet scrubber was zero inches of water column.

Date

1/12/17



Edward Nam
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Kathy A. Jones, certify that I sent a Finding of Violation, No. EPA-5-17-OH-01, by Certified Mail, Return Receipt Requested, to:

Monte L. Londot
General Manager
Clean Harbors Recycling Services of Ohio L.L.C.
581 Milliken Drive, Southeast
Hebron, Ohio 43025

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Kelly Toth, Manager
Division of Air Pollution Control
Ohio Environmental Protection Agency
Central District Office
P.O. Box 1049
Columbus, Ohio 43216-1049

on the 18th day of January 2017



Kathy A. Jones, Program Technician
AECAB, PAS

Certified Mail Receipt Number: 7014 2870 0001 9577 7692